United Nations CERD/C/MRT/CO/8-14

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined eighth to fourteenth periodic reports of Mauritania*

1. The Committee considered the combined eighth to fourteenth periodic reports of Mauritania (CERD/C/MRT/8-14) at its 2628th and 2629th meetings (see CERD/C/SR.2628 and 2629), held on 1 and 2 May 2018. At its 2640th and 2641st meetings, held on 9 and 10 May 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined eighth to fourteenth periodic reports of the State party, which include responses to the concerns raised by the Committee in its previous concluding observations (CERD/C/65/CO/5). While the report was submitted nine years late, the Committee is pleased that the State party has reengaged with it through the submission of this report, and expresses appreciation for the frank and constructive dialogue held with the high-level delegation of the State party.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) Act No. 2015-031 of 10 September 2015 criminalizing slavery and penalizing slavery-like practices;

(b) Act No. 2015-034 of 10 September 2015 on the establishment of a national mechanism for the prevention of torture;

(c) Act No. 2015-033 of 10 September 2015 on the prohibition of torture;

(d) Act No. 2010-031 of 20 July 2010 repealing and replacing Order No. 2006-015 of 12 July 2006 on the establishment of the National Human Rights Commission;

(e) Act No. 2010-021 of 10 February 2010 on measures to combat the smuggling of migrants;

(f) The establishment of the national agency Tadamoun for the purpose, inter alia, of eradicating the legacy of slavery;

(g) The adoption, in 2014, of the road map for the implementation of the recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

* Adopted by the Committee at its ninety-fifth session (23 April–11 May 2018).

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4. The Committee welcomes the State party's ratification of or accession to the following international instruments:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2012;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2012;

(c) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2012.

C. Concerns and recommendations

Data collection

5. The Committee notes that, regrettably, the data provided by the State party are very limited and are not disaggregated by ethnic or national origin, colour or descent. The data thus do not sufficiently reflect the ethnic composition of the population and do not enable the Committee to assess the extent to which the different population groups living in the State party enjoy their rights under the Convention, in particular their economic, social and cultural rights.

6. **The Committee recommends that the State party furnish comprehensive, reliable, recent statistical data on the various groups that make up the population, as well as socioeconomic indicators based on surveys or studies and disaggregated by ethnic or national origin, colour and descent, so as to enable the Committee to better assess the extent to which these groups, including non-nationals, enjoy their rights under the Convention, in particular their economic, social and cultural rights.**

New law criminalizing discrimination

7. The Committee notes that on 18 January 2018 the State party adopted a law that criminalizes discrimination. However, it is concerned to note that several Special Rapporteurs of the Human Rights Council have jointly criticized the absence of a definition of discrimination that is fully consistent with the Convention; the lack of legal clarity in many of the law's provisions, which could give rise to interpretations potentially leading to restrictions on the enjoyment of certain human rights and the persistence of discriminatory practices; and the fact that the law affords insufficient legal protections (art. 2).

8. **The Committee recommends that the State party revise its new legislation relating to the criminalization of discrimination in order to bring it into full compliance with the Convention, taking due account of the concerns raised by the Special Rapporteurs of the Human Rights Council. The State party should ensure that the law contains a definition of racial discrimination that encompasses all the elements set out in article 1 of the Convention and that it provides sufficient legal protections against racial discrimination.**

Domestic application of the Convention

9. The Committee is concerned that the reference, in the preamble to the Constitution, to sharia law as the sole source of law could lead to the enactment of legislative provisions that are not fully compatible with the provisions of the Convention (art. 2).

10. **The Committee recommends that the State party ensure that the reference to sharia law does not prevent the full application of the provisions of the Convention in its legal system and is not interpreted or applied in such a way as to impede the enjoyment of the rights set forth in the Convention.**

Discrimination against the Haratine and black African communities

11. The Committee is concerned that certain traditional social structures and cultural prejudices continue to stoke racial discrimination and to marginalize the Haratine

community, particularly in terms of access to education, employment, housing, health care and social services. While noting the information provided by the State party, the Committee is also concerned about the very limited representation of the black African (Halpular, Soninke and Wolof) and Haratine communities in political and public affairs, including in leadership and decision-making positions in public administration, the army and the police, in elective office at the national level and in the private sector and the media (arts. 2 and 5).

12. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of existing legislative provisions against racial discrimination and raise awareness of those provisions among the general public and among judges, lawyers, police and other law enforcement officers;**

(b) **Take action to improve the representation of the black African and Haratine communities in all spheres of political, public and social life and in the private sector, including in elective office and decision-making positions in executive bodies, public administration, the army, the police and the media, and that it provide statistical data in this regard in its next periodic report;**

(c) **Step up the implementation of special measures in respect of the black African and Haratine communities in order to promote their full integration into society, particularly in education, employment and health care;**

(d) **Intensify its campaigns to raise the awareness of the general public and of religious and community leaders with a view to effectively combating racial prejudice against the Haratine.**

Action against slavery and slavery-like practices

13. The Committee notes the measures taken by the State party to combat slavery and slavery-like practices and their consequences, in particular the adoption of Act No. 2015/031 criminalizing slavery and penalizing slavery-like practices, and the establishment of the national agency Tadamoun for the purpose, inter alia, of eradicating the legacy of slavery. The Committee nonetheless remains concerned about: (a) the persistence of situations of slavery and of prejudices in this regard that are deeply rooted in certain traditions; (b) the lack of data with which to gauge the full extent of this practice; and (c) the difficulties that persons subjected to slavery encounter in becoming reintegrated into society because they do not have identity papers or access to employment, education or landownership, including ownership of their parents' land, and are thus at risk of having no choice but to return to situations of slavery (arts. 2 and 5).

14. **In the light of its general recommendation No. 29 (2002) on discrimination based on descent, the Committee recommends that the State party:**

(a) **Collect data on the extent to which situations of slavery still exist and intensify its efforts to eliminate all vestiges of such situations, in particular by ensuring the effective application of Act No. 2015-031 criminalizing slavery and penalizing slavery-like practices;**

(b) **Intensify its awareness-raising campaigns on the 2015 Act among the general public, especially those groups that are most at risk of falling victim to such practices, and among judges, lawyers and law enforcement officers and religious and community leaders, and overcome traditions and prejudices that justify such practices;**

(c) **Ensure that the history textbooks used in school curricula reflect the contributions of population groups that have been victims of slavery;**

(d) **Accelerate the full implementation of the recommendations contained in the road map and regularly assess such implementation in consultation with the communities concerned;**

(e) **Ensure, in the implementation of the road map, that persons who have been freed from situations of slavery have access to identity documents, employment,**

education and landownership, that they can inherit land and that land is allocated to them;

(f) **Provide the Committee with socioeconomic indicators on the situation of the population groups concerned.**

15. The Committee is concerned about the difficulties that victims of slavery encounter in filing complaints with the police and judicial authorities in order to enforce their rights. It is concerned as well about the persistent challenges that hinder efforts to investigate such cases, gather evidence, prosecute the perpetrators effectively and expeditiously and impose appropriate penalties. Also troubling is the lack of adequate resources for the proper functioning of the three specialized courts in Nouakchott, Nouadhibou and Néma and the fact that the sentences imposed thus far in cases involving slavery are not always commensurate with the gravity of the offence (arts. 2, 5 and 6).

16. **The Committee recommends that the State party ensure that victims of slavery are effectively able to file complaints without being subjected to any form of pressure and that such complaints are registered, investigations are conducted, cases are prosecuted and perpetrators are sentenced to penalties that are commensurate with the gravity of the offence. It also recommends that the State party provide the three specialized courts in Nouakchott, Nouadhibou and Néma with enough financial and human resources to enable them to function properly. The State party is requested to report to the Committee on the outcomes of cases involving slavery that are pending before the courts.**

Promotion of the Pular, Soninke and Wolof national languages

17. The Committee notes that, while the State party recognizes Wolof, Soninke, Pular and Arabic as national languages, only Arabic is recognized as an official language. Regrettably, the State party has not provided information on the effective promotion, teaching and use of languages other than Arabic in public administration, social services, the courts or the media. The Committee notes that the limited use or non-use of these languages may curtail the ability of some ethnic groups to exercise the rights recognized in the Convention (art. 5).

18. **The Committee recommends that the State party consider, in consultation with the population groups concerned, the possibility of recognizing Pular, Soninke and Wolof as official languages. The Committee reiterates the recommendation made in its previous concluding observations (CERD/C/65/CO/5, para. 20) that the State party include national languages in the education system for those children who wish to be taught in those languages and that it ensure that the use of a particular language does not lead to the exclusion of the group concerned. The Committee also recommends that the State party promote the use of national languages other than Arabic in public administration, social services and the judicial and law enforcement system, in order to ensure that persons who do not speak Arabic are not discriminated against in the exercise of the rights provided for in the Convention.**

Gender-related dimensions of racial discrimination

19. The Committee is concerned to note that some ethnic groups still have harmful customary practices that prevent women from fully exercising their rights under the Convention, in particular the right to own and inherit land. The Committee is also concerned about the fact that illiteracy and school dropout rates are very high among girls who are descended from persons subjected to slavery or black Africans and that such girls face difficulties in gaining access to higher education and are often marginalized (arts. 2 and 5).

20. **Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party take the necessary steps to put an end to harmful customary practices that prevent women and girls from fully enjoying their rights, in particular the right to own and inherit land. The Committee calls upon the State party to revise the Personal Status Code and to carry out awareness-raising campaigns for the general public, including**

traditional and religious leaders, on equal rights for men and women. It also recommends that the State party strengthen its actions to promote education and reduce illiteracy and school dropout rates among girls belonging to the Haratine and black African ethnic groups. The Committee requests the State party to include data in this regard in its next periodic report.

Discrimination in the transmission of nationality

21. The Committee is concerned to note that article 8 of the Nationality Code (Act No. 1961-112 of 12 June 1961) and articles 13 and 16 of Act No. 2010-023 of 11 February 2010, which repeals and replaces certain provisions of the 1961 Act, establish different rules for men and women with respect to the transmission of nationality to children born abroad and to spouses of foreign origin (art. 5).

22. **The Committee recommends that the State party ensure that Mauritanian men and women have equal rights with respect to the transmission of nationality to children and spouses.**

The situation of Mauritanian refugees repatriated from Senegal

23. While noting the information provided by the State party, the Committee is concerned at reports that some Mauritanians who have been repatriated from Senegal face continued challenges in obtaining the assistance they need for the purposes of reintegration into society and the public administration; access to education, health care and employment; and access to civil status documents and the recovery of land to which they claim title. The Committee is also concerned about the risk of statelessness faced by some returnees. The fact that the State party has not yet adopted a law on asylum is also regrettable (art. 5).

24. **The Committee recommends that the State party intensify its efforts to find sustainable solutions for the resettlement of all Mauritanian returnees from Senegal in economic and social life, including by promoting their access to employment, education and health care and expediting their reinstatement in the administration, access to landownership and receipt of civil status documents, including for children. The Committee recommends that the State party ratify and implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Committee also recommends that the State party expedite the adoption of the bill on the right to asylum in Mauritania.**

Unresolved humanitarian issues pertaining to the events of 1989–1991

25. The Committee notes the information provided by the State party, but remains concerned about the fact that the State party has never taken steps to ensure that those responsible for the killings and disappearances of black African soldiers during the events of 1989–1991 are held accountable, nor has it awarded adequate compensation to the victims or their beneficiaries. The Committee finds it regrettable that the State party granted an amnesty by adopting Act No. 93-23 of 14 June 1993, under which those responsible for the human rights violations that took place during the events cannot be held accountable. The Committee notes that, over the long term, the failure to find a way to shed light on these events could jeopardize social and national cohesion in the State party (arts. 5 and 6).

26. **The Committee recommends that the State party consider adopting measures for the definitive settlement of unresolved humanitarian issues, including the repeal of the 1993 amnesty law, with a view to uncovering the truth about these events, ensuring that those responsible are held to account and providing adequate reparation to all victims and their beneficiaries.**

Data on cases of racial discrimination

27. The Committee finds it regrettable that the State party has provided only limited data on complaints, investigations, prosecutions, judgments, convictions and penalties in cases of racial discrimination brought before the courts in the State party, and on the decisions adopted by other bodies in such cases (art. 6).

28. **With reference to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reminds the State party that an absence of complaints or legal proceedings brought by victims of racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the criminal justice system or a fear of reprisals against victims. The Committee calls upon the State party to ensure that its domestic legislation contains adequate provisions in this regard and that members of the public, including persons living in refugee camps or rural areas, returnees, nomadic and semi-nomadic peoples and persons who have been freed from slavery, know their rights, including all legal remedies in the area of racial discrimination.**

Non-governmental organizations and human rights associations

29. The Committee is concerned about the requirement for prior authorization that applies to some non-governmental organizations and associations for the defence of human rights, and the fact that some face administrative obstacles in obtaining such authorization and are forced to operate underground. It is also concerned at reports that some members of human rights associations and organizations have been intimidated, harassed or detained. Also troubling is the criminal prosecution of Mohamed Cheikh Ould Mkhaitir for criticizing the use of Islam to justify racial discrimination and slavery, as well as the prosecution of Oumar Ould Beibacar for denouncing the authorities' attitude in relation to the unresolved humanitarian issues. Such actions could create a climate that stifles all criticism of human rights violations, including violations of the Convention (art. 5).

30. **The Committee encourages the State party to adopt a declaratory system for non-governmental organizations and associations for the defence of human rights, including those working to combat racial discrimination, slavery or slavery-like practices. It also recommends that the State party prevent any arbitrary interference in their activities and protect them from such interference and from any intimidation or harassment, and that it investigate any such cases that are brought to its attention. The Committee also recommends that the State party ensure that its laws do not prevent criticism of human rights violations.**

D. Other recommendations

Ratification of other treaties

31. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).**

Follow-up to the Durban Declaration and Programme of Action

32. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

International Decade for People of African Descent

33. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultations with civil society

34. **The Committee recommends that the State party consult and engage in a dialogue with civil society organizations working in the area of human rights protection, in particular those combating racial discrimination, when preparing its next periodic report and in its follow-up to the present concluding observations.**

Declaration under article 14 of the Convention

35. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.**

Amendment to article 8 of the Convention

36. **The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

Common core document

37. **The Committee encourages the State party to update its common core document, which dates from 2001, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.**

Follow-up to the present concluding observations

38. **In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 8, 24 and 30 above.**

Paragraphs of particular importance

39. **The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 14, 20 and 26 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.**

Dissemination of information

40. **The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official language and other commonly used national languages, as appropriate.**

Preparation of the next periodic report

41. **The Committee recommends that the State party submit its fifteenth to sixteenth periodic reports by 12 January 2022, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**